

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST LITIGATION

Case No. 18-cv-1776 (JRT/HB)

This Document Relates To: All Actions

JOINT AGENDA FOR JANUARY 31, 2022 STATUS CONFERENCE

The parties hereby submit this Joint Agenda for the status conference set before Magistrate Judge Bowbeer at 1:00 PM on January 31, 2022.

JOINT AGENDA ITEMS

I. Hearing on Proposed Case Management Order for MDL DAP Cases

- a. The parties in the MDL Direct Action Plaintiff (“DAP”) cases will be prepared to discuss their Joint Statement submitted to the Court on December 10, 2021 (ECF No. 1046), and their respective proposals regarding the four case management issues on which the MDL DAPs requested argument in their December 23, 2021 letter to the Court (ECF No. 1084).

II. Status of Discovery

- a. Depositions: The parties will be prepared to discuss the progress and status of depositions.
- b. Structured data and data questions: The parties will be prepared to discuss the status of Defendants’ productions of structured data and answers to data questions from Plaintiffs.
- c. Validation: The parties will be prepared to discuss the status of Defendants’ validation of their search methodologies, including any agreements or disputes related thereto.
- d. Defendants’ Responses to MDL DAPs’ First Request for Production of Documents: The parties in the MDL DAP cases will provide a summary of their discussions related to the Defendants’ responses to the MDL DAPs’ First Request for Production of Documents.
- e. Plaintiffs’ Responses to Defendants’ Interrogatories: The parties in all cases will be prepared to discuss all Plaintiffs’ responses to Defendants’ Interrogatories.
- f. The MDL DAPs’ document productions: The parties in the MDL DAPs’ cases will be prepared to discuss the status and anticipated timing of the MDL DAPs’ structured-data and document productions.
- g. Production of DPP Class Member Purchase Information: The pork products included in the Direct Purchaser Plaintiff (“DPP”) class settlements with Defendants JBS and Smithfield are broader than the litigation class definition of pork products. DPPs and non-settling Defendants are meeting and conferring to determine whether they can reach agreement on what, if any, additional information those Defendants should provide to facilitate distribution of settlement proceeds.

III. Status of Pending Motions

- a. Pending discovery motions: The parties will be prepared to discuss whether the Court would like any additional briefing or information regarding pending discovery motions. *See, e.g.*, Class Plaintiffs' Motion to Compel Hormel to Produce Responsive Text Message Content and Enforce Subpoenas to Hormel Custodians (ECF No. 883).

IV. Dates for future Case Management Conferences

- a. With depositions and discovery well underway, the parties respectfully suggest that regularly scheduled status conferences (e.g., every two months) will help ensure the efficient progress of this litigation through the discovery period.

CONFERENCE ATTENDEES

The attorneys listed below will attend the conference for each party or group of parties as indicated. Names in bold indicate those attorneys who are expected to speak to which agenda items or issues on behalf of which party or group of parties.

- a. For the DPP Class Plaintiffs:

Joseph Bruckner, Brian Clark, **Joseph Bourne** (Depositions; Validation; Status of Pending Motions), Clifford Pearson, **Bobby Pouya** (Plaintiffs' Responses to Defendants' Interrogatories; Production of DPP Class Member Purchase Information), Michael Pearson

- b. For the Consumer Indirect Purchaser Class Plaintiffs:

Shana Scarlett (Structured Data and Data Questions), **Breanna Van Engelgen** (Dates for Future Case Management Conferences), Daniel Hedlund, Joshua Rissman

- c. For the Commercial and Institutional Indirect Purchaser Class Plaintiffs:

Blaine Finley

- d. For the DAPs:

For Sysco and Amory Investments LLC – **Michael S. Mitchell** (proposed Case Management Order for MDL DAPs); Scott E. Gant

For Action Meat Distributors, Inc., Topco Associates, LLC, Alex Lee, Inc./Merchants Distributors, LLC, Associated Food Stores, Inc., Brookshire Grocery Company, Colorado Boxed Beef Co., Certco, Inc., The Golub Corporation, Nicholas & Co., PFD Enterprises, Inc., SpartanNash Company, Springfield Grocer Company, The Distribution Group d/b/a Van Eerden Foodservice Co., Troyer Foods, Inc., URM Stores, Inc., and Giant Eagle, Inc. – **Matthew P. McCahill**
(Defendants' Responses to MDL DAPs' First Request for Production of Documents)

For The Kroger Co., Albertsons Companies, Inc., Hy-Vee Inc., Save Mart Supermarkets, and US Foods, Inc.: William J. Blechman, Samuel J. Randall, Michael A. Ponzoli

For Associated Grocers of the South, Inc., Dollar General Corporation, Dolgencorp, LLC, Meijer, Inc., Meijer Distribution Inc., Publix Super Markets, Inc., Raley's, United Natural Foods, Inc., SuperValu, Inc., Associated Grocers of Florida, Inc., Unified Grocers, Inc., Tony's Fine Foods, and Wakefern Food Corp.: David P. Germaine, Alberto Rodriguez, Phillip F. Cramer, and Christina Lopez.

In addition, a lawyer representing each DAP will be prepared to answer any DAP-specific questions regarding any of the Agenda Items listed above, in particular Plaintiffs' Responses to Defendants' Interrogatories, and MDL DAPs' document productions.

e. For Defendants:

For Smithfield Foods – **Brian Robison** (MDL DAPs' document productions)

For Triumph – **Chris Smith** (Plaintiffs' interrogatory responses)

For Seaboard – **Pete Schwingler** (Plaintiffs' interrogatory responses)

For Tyson – **Jarod Taylor** (proposed Case Management Order for MDL DAPs; Plaintiffs' request for validation protocols)

For Hormel – **Craig Coleman** (the DPPs' request for additional transaction data for settlement purposes)

In addition, a lawyer representing each Defendant will be prepared to answer any defendant-specific questions regarding any of the Agenda Items listed above.

DATED: January 17, 2022

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